

REMARKS

In the office action dated April 8, 2003, a three way restriction was entered based on the figures of the patent application as follows: Species I (Figs. 1-11), Species II (Figs. 12-21) and Species III (Figs. 22-24). Applicants respectfully traverse and for the reasons set forth below, request reconsideration and withdrawal of the pending restriction requirement.

In the office action, there has not been presented an analysis of the claims or a division of the claimed subject matter among the purported species. In this regard, it is believed that the pending claims, which are the appropriate point of analysis in a restriction requirement, define a common inventive concept which is included in each of the purported species and is set forth in the claims. As noted in MPEP § 806.01, "in passing upon questions of ...restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence." In this case, the office action does not provide a *prima facie* basis for restricting the claimed subject matter, and it is respectfully submitted that no such basis exists.

In the application, Figs. 1, 12 and 22 are identified as "exemplary embodiments of the present invention." (See pp 11-13). In this regard, it is believed that at least independent claims 1 and 35 recite subject matter of sufficient scope to include each of these exemplary embodiments. Thus, when the claimed subject matter is considered, all 63 pending claims are properly considered together for purposes of search and examination.

In view of the foregoing, withdrawal of the restriction requirement is respectfully submitted. In the alternative, applicants elect what has been identified as species I and believe that all pending claims are applicable to the "species" as identified.

PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul D. Ackerman", written over a horizontal line.

Paul D. Ackerman
PTO Reg. No. 39,891
Attorney for Applicant
(212) 408-2585